REMARKS

Claims 1 is currently amended. Claims 27, 28, 29 and 30 are new. Claim 26 is withdrawn.

I: Restriction

Applicants understand that claim 26 is subject to the prior restriction requirement. Claim 26 is withdrawn. Applicants reserve the right to pursue other inventions in future applications.

II: Response to Prior Amendment

Applicants appreciate that the Examiner removed, *inter alia*, the rejection to claims 1-9, 11-13, 17, 19, 21 and 23 under 35 U.S.C. 112, second paragraph in light of Applicants amendment to the claims identifying the synthetic polymer as an admixture. Applicants inform the Examiner that Applicants currently amend claim 1, to remove the admixture limitation. Applicants believe that the previously submitted amendment was overly narrow. Claim 1, as currently amended, is clear. Consideration is urged.

III: Response to Arguments

With respect to the Examiner's statements relating to distribution overlap, Applicants have amended the above claims to make clear that the molecular weight distribution has distinct criteria. For Example, claim 1, as amended, refers to, *inter alia*: the synthetic polymer wax composition is characterized as having a molecular weight distribution of:

(a) at least 10% w/w in the amount of $0.25xM_w$ to $0.74xM_w$,

(b) at least 20% w/w in the amount of $0.75xM_w$ to $1.25xM_w$, and

(c) at least 10% w/w in the amount of $1.26xM_w$ to $2.0xM_w$, where M_w is the weight average molecular weight of the synthetic polymer wax composition

Applicants assert that no new matter has been added by making this amendment. Support can be found in the entire specification and in the term "range". One of skill in the art would clearly recognize that the ranges as described and originally claimed (*see for example* original claim 1, and the specification at page 2, lines 21-27) clearly include the amounts presently claimed. Moreover, Applicants traverse any position by the Examiner that the specification as originally filed does not provide support for the invention now

claimed. It is settled case law that the exact words of a claim need not appear in the specification in order for that specification to satisfy the description requirement of Section 112. See In re Wright, 9 USPQ 24, 1649, 1651, CAFC, 1989 for a case right on point. One skilled in the art of chemistry would clearly recognize that the molecular weight distributions, as currently amended herein, claim amounts which clearly lie within the previously claimed ranges, respectively. No new matter is added.

IV: **New Claims**

New Claims 27, 28 and 30 do not contain new matter. Support can be found in the entire specification and in the term "range". One of skill in the art would clearly recognize that the ranges as described (*see for example* original claim 1, and the specification at page 2, lines 21-27) clearly include the amounts presently claimed. Moreover, Applicants traverse any position by the Examiner that the specification as originally filed does not provide support for the invention now claimed. It is settled case law that the exact words of a claim need not appear in the specification in order for that specification to satisfy the description requirement of Section 112. See In re Wright, 9 USPQ 24, 1649, 1651, CAFC, 1989 for a case right on point. One skilled in the art of chemistry would clearly recognize that the molecular weight distribution amounts, as amended herein, claim amounts which clearly lie within the previously claimed ranges, respectively. With respect to claim 30, the term below is added to make the amounts clear.

New claim 29 does not contain new matter. It is settled case law that the exact words of a claim need not appear in the specification in order for that specification to satisfy the description requirement of Section 112. See In re Wright, 9 USPQ 24, 1649, 1651, CAFC, 1989 for a case right on point. One skilled in the art of chemistry would clearly recognize from the specification that embodiments of the invention include various admixtures. For Example, see the specification at page 5, lines 22-26, where it describes two or more wax compositions comprising narrow molecular weight distributions-- accordingly such are suitable for use in accordance with the present disclosure. Moreover, the example section shows compositions with two or more polyethylene glycols of varying molecular weight. Accordingly, claim language claiming a first, second, or third polyethylene glycol is appropriate and not new matter. Consideration of claim 29 is urged.

V: **The Rejection of Claims 1-9, 11-13, 17, 19, 21, 23 and 26 under 35 USC 112**

The Examiner has rejected these claims for lack of support. While Applicants tranvese this rejection for reasons similar to that described above in section IV, Applicants note that Claim 1 is currently amended to remove the rejected language. Accordingly, this rejection is moot.

VI. **The Rejections under 35 U.S.C. 103**

The Applicants' disclosure relates to a granule including a core and a coating wherein the core includes an active compound and the coating includes a synthetic polymer wax composition with a wide molecular weight distribution. The specification explains on page 2 that Applicants have found that coating of particles, comprising active compounds, with a wax composition comprising a wide molecular weight distribution improves Heubach dust figures of the coated finished granules significantly compared to ordinary granules typically coated with a wax composition comprising a narrow molecular weight distribution. Moreover, Applicants explain on page 2 that they have found that by using a wax composition comprising a wide molecular weight distribution in the coating, the coating becomes more elastic compared to granules coated with a wax composition comprising a narrow molecular weight distribution. Applicants clearly define the term wide molecular weight distribution on page 3 and explain how it is different than typical narrow molecular weight distribution. Applicants further provided examples showing the skilled artisan the superior benefits of providing a coating with the wide molecular weight distributions.

Claims 1-9, 11-13, 17, 19, 21 and 23 stand rejected under 35 U.S.C. 103 as obvious over Markussen *et al* (WO 89/08694) (hereinafter referred to simply as "Markussen").

Markussen refers to granulate detergent enzymes including a core of an enzyme containing material with a coating containing a mono- and diglyceride of a fatty acid, with a content of monoglyceride in relation to the total amount of mono and diglyceride of at least 30% by weight and preferably with a melting point above 35 deg. C. However, Markussen does not disclose the synthetic polymer wax composition having the wide molecular weight distribution as required in Claim 1. Moreover, Markussen does not have the admixture of PEG as required by new claim 29. In order to be obvious, the reference must disclose

each and every element of the claim. Markussen is deficient in that it fails to describe the requisite synthetic polymer wax composition coating, and fails to disclose the wide molecular weight distribution as claimed. Moreover, the Examiner has erred in relying on the percentages disclosed in Markussen. The percentages in Claim 1 relate to the wide molecular weight distribution of the synthetic polymer wax composition coating, and not individual PEG amounts. Accordingly, the percentages of Markussen fail to describe the wide molecular weight distribution as claimed. Reconsideration is urged.

Claims 1-13, 17, 19, 21 and 23 stand rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103 as obvious over Andela et al (WO 96/16151) (hereinafter referred to simply as "Andela").

Claim 1, refers to, *inter alia*, a granule comprising a core and a coating wherein the core comprises an active compound and the coating comprises a synthetic polymer wax composition, wherein the synthetic polymer wax composition is characterized as having a specified wide molecular weight distribution.

Andela refers to a coated enzyme granule and a method of preparing coated enzyme granules. On page 3, Andela explains that the objective of the present invention is achieved by use of a liquid or unctuous coating material which needs to be applied in a fluid bed apparatus. One page 4, Andela explains that the coating is of a liquid or unctuous character and can simply be applied and smeared out at room temperature. Page 8 and 9 further describe suitable liquids and suitable unctuous coating materials, including PEG. Moreover, Example 1 mentions an unctuous mixture of PEG 4000:PEG 400 (3:5).

The Examiner has failed to make a *prima facie* showing of obviousness because Andela is deficient and does not show the requisite wide molecular weight distribution of Claim 1. Nowhere is a molecular weight distribution described.

Applicants direct the Examiner's attention to Example 1 of the Applicants' disclosure. Here Applicants show not only mixtures of PEG with various molecular weights, but Applicants demonstrate the importance of a wide molecular weight distribution. Sample P1 included a mixture of PEG-400 (10%) and PEG-4000 (90%). Example P1 is deficient in that lacks the wide molecular weight distribution, as claimed. Applicants note that example

P1 was wet and sticky, thus likely "unctuous". Still referring to Example 1 of Applicants disclosure, Examples P4 to P7 not only contain PEG of varying average molecular weight, but also the requisite wide molecular weight distribution. Example 1 clearly demonstrates that Applicants disclosure of a wide molecular weight distribution is superior to a mere mixture of PEG. One of skill in the art would not gain this understanding based on the unctuous coatings of Andela.

Accordingly, Applicants submit that Andela fails to teach each and every element of Claim 1, and the Applicants example highlights this unexpected and unanticipated discovery. As the Examiner has failed to make a *prima facie* case of obviousness, Claim 1 is not obvious.

VII. Conclusion

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

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